

**MINERAL COUNTY REPORT**  
**CONCERNING STATUS AND COMPLETION OF SERVICE**  
**EXHIBIT C - SERVICE PACKAGE**

- 1. Exhibit C-1 - Notice of Lawsuit and Request for Waiver of Personal Service of Notice in Lieu of Summons**
- 2. Exhibit C-2 - Waiver of Personal Service of Notice in Lieu of Summons Form**
- 3. Exhibit C-3 – Notice In Lieu of Summons**
- 4. Exhibit C-4 – Notice of Appearance and Intent to Participate Form**
- 5. Exhibit C-5 - Disclaimer of Interest in Water Rights and Notice of Related Information and Documentation Supporting Disclaimer Form**
- 6. Exhibit C-6 - Joint Motion for Substitution of Parties Following Transfer of Interest and Request for Hearing Form**
- 7. Exhibit C-7 – Statement Noting Death Form**
- 8. Notice of Motion and Motion of Mineral County for Intervention (Doc. No. 2)\***
- 9. Mineral County’s Proposed Petition to Intervene (Doc. No. 3)\***
- 10. Mineral County’s Amended Complaint in Intervention (Doc. No. 20)\***
- 11. Amended Points and Authorities in Support of Mineral County’s Amended Complaint in Intervention (Doc. No. 21)\***
- 12. Motion for Preliminary Injunction; Memorandum of Points and Authorities; Affidavit of Kelvin J. Buchanan, P.E.; and Affidavit of Gary L. Vinyard, Ph.D. (Doc. No. 22)\***

**\*These Service Package documents are referenced in Mineral County’s Report Concerning Status and Completion of Service, and are on file with the Court, but are not included with this filing.**

**Mineral County Report Concerning Status and Completion of Service**

**Exhibit C-1 Notice of Lawsuit and Request for Waiver**

**Mineral County Report Concerning Status and Completion of Service**

**Exhibit C-1 Notice of Lawsuit and Request for Waiver**

**NOTICE OF LAWSUIT AND REQUEST FOR WAIVER OF PERSONAL SERVICE OF  
NOTICE IN LIEU OF SUMMONS**

To: \_\_\_\_\_ (As \_\_\_\_\_ of  
\_\_\_\_\_)

**You have been named as a Defendant in a civil action.** A Notice of Motion and Motion for Intervention, Proposed Petition to Intervene, Amended Complaint-in-Intervention, and a Motion for Preliminary Injunction by Mineral County, Nevada, all claiming a right to a minimum level of water for Walker Lake (“Intervention Documents”), which may affect the water rights that you (or the entity on whose behalf you are addressed) claim under the Walker River Decree, have been filed in the United States District Court for the District of Nevada, Reno, Nevada, Case No. C-125. This matter has been assigned Subfile No. C-125-C, docket number 3:73-cv-0128-ECR-WGC.

Rule 4 of the Federal Rules of Civil Procedure provides that under certain circumstances you can avoid being assessed the cost of being personally served if you sign a waiver and accept service by mail. The materials that have been sent to you in this package include a waiver form, instructions, and a self-addressed, stamped envelope for returning the waiver form. There are also other documents enclosed that address the sale or other conveyance of your water rights or if you believe that you should not be a party to this lawsuit. Please read these materials carefully, as they are important to your legal rights.

**Enclosed are the following eleven (11) documents:**

1. **Waiver of Personal Service of Notice in Lieu of Summons:** Two copies of this document are enclosed, one for your records and one that you may send in the

enclosed stamped and addressed envelope to Simeon Herskovits, the attorney for Mineral County, if you choose to execute the document.

2. **Order Relating to the Completion of Service;**
3. **Notice of Appearance and Intent to Participate Form.** If you choose to sign this document, you **must** file the original with the District Court and you **must** send a copy of the document to the parties listed on the Notice of Appearance and Intent to Participate Certificate of Service;
4. **Disclaimer of Interest in Water Rights and Notice of Related Information and Documentation Supporting Disclaimer Form**
5. **Joint Motion for Substitution of Parties Following Transfer of Interest Form;**
6. **Statement Noting Death Form.**
7. **Mineral County's Notice of Motion and Motion for Intervention** (October 25, 1994).
8. **Mineral County's Proposed Petition to Intervene, Memorandum of Points and Authorities, and Supporting Affidavits of Kelvin F. Buchanan, Herman F. Staat, Marlene Bunch, and Louis Thompson** (October 25, 1994).
9. **Mineral County's Amended Complaint in Intervention** (March 10, 1995).
10. **Mineral County's Amended Memorandum of Points and Authorities in Support of Mineral County's Amended Complaint in Intervention** (March 10, 1995).
11. **Mineral County's Motion for Preliminary Injunction and Memorandum of Points and Authorities and supporting affidavits** (March 10, 1995).

**This is not a formal notification from the Court, but rather a request by Counsel for Mineral County that you sign and return the enclosed WAIVER OF PERSONAL**

1 SERVICE OF NOTICE IN LIEU OF SUMMONS in order to save the cost of serving you  
2 with a Judicial Notice in Lieu of Summons, and additional copies of the Notice of Motion  
3 and Motion to Intervene, Proposed Petition to Intervene, Amended Complaint in  
4 Intervention and Memorandum of Points and Authorities in Support of Amended  
5 Complaint in Intervention, Motion for Preliminary Injunction, and related forms  
6 referenced above. If you do not send a signed copy of the waiver to Mineral County within  
7 thirty (30) days after the date designated below as the date on which this Notice and  
8 request is sent, you may be liable for the cost of personally serving you. We enclose a self-  
9 addressed, stamped envelope for your use. An extra copy of the waiver is also attached for  
10 your records.  
11

12 If you comply with this request and return the signed waiver, it will be filed with the  
13 Court and no additional copies of the above-referenced documents will be served on you.  
14 The matter will then proceed as provided in paragraph 5 of the Order Relating to  
15 Completion of Service, which is included with this notice.  
16

17 If you return the signed WAIVER OF PERSONAL SERVICE OF NOTICE IN  
18 LIEU OF SUMMONS, you are not obligated to respond to any of Mineral County's  
19 Intervention Documents, except upon further order of the Court. However IF YOU WISH  
20 TO PARTICPATE IN THIS CASE, you are required, within thirty (30) days of your  
21 execution of the WAIVER OF PERSONAL SERVICE OF NOTICE IN LIEU OF  
22 SUMMONS, to file and serve a NOTICE OF APPEARANCE AND INTENT TO  
23 PARTICIPATE with the Court and mail a copy of the notice to the parties listed on the  
24 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE form. As noted above, a  
25  
26

1 copy of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE form that you may  
2 choose to use is attached.

3       **If you do not return the signed WAIVER OF PERSONAL SERVICE OF NOTICE**  
4 **IN LIEU OF SUMMONS within the time indicated, we will take appropriate steps to effect**  
5 **formal service in a manner authorized by the Federal Rules of Civil Procedure and will**  
6 **then, to the extent authorized by those Rules, ask the Court to require you (or the party on**  
7 **whose behalf you are addressed) to pay the full cost of such service. In that connection,**  
8 **please read the statement concerning the duty of the parties to waive service of the notice in**  
9 **lieu of summons, which is attached hereto.**

11       **The Order Relating to Completion of Service requires you to notify the Court and**  
12 **Mineral County within thirty (30) days of being served if you contend that you have been**  
13 **included in this litigation in error because at the time you were served, you claimed no**  
14 **water right under the Walker River Decree. If you contend that you have been included in**  
15 **this litigation in error, the Order Relating to Completion of Service also requires you to provide**  
16 **certain information and documents related to the transfer of water rights that would be part of**  
17 **this litigation. If you disclaim any water right in this litigation, you must comply with the Order**  
18 **Relating to Completion of Service and you may use the form entitled DISCLAIMER OF**  
19 **INTEREST IN WATER RIGHTS AND NOTICE OF RELATED INFORMATION AND**  
20 **DOCUMENTATION SUPPORTING DISCLAIMER, which is attached to the Order Relating to**  
21 **Completion of Service and included herein.**

24       The Order Relating to Completion of Service also provides that if, during the course of  
25 this litigation, you sell or otherwise convey ownership of all or a portion of any water right under  
26 the Walker River Decree, you may use the JOINT MOTION FOR SUBSTITUTION OF  
27 Mineral County Report Concerning Status and Completion of Service  
28 Exhibit C-1 Notice of Lawsuit and Request for Waiver  
Page 4 of 7

1 PARTIES FOLLOWING TRANSFER OF INTEREST FORM, which is attached to the Order  
2 Relating to Completion of Service and included herein, to substitute your successor(s)-in-  
3 interest. You should retain this Order and the attached form for use whenever appropriate during  
4 the course of this litigation. You may also wish to make additional copies of the form attached  
5 to the Order for use if you sell or otherwise convey ownership of applicable water rights on more  
6 than one occasion during the course of this litigation. Pursuant to the Order Relating to  
7 Completion of Service and other orders of the Court, even if a successor-in-interest is not  
8 substituted, the successor will nonetheless be bound by the final decision of the Court.  
9

10 The STATEMENT NOTING DEATH form, which is attached to the Order Relating to  
11 Completion of Service and included herein, is for use by heirs or successors-in-interest should  
12 the named Defendant die during the course of litigation. The contact information for the heir or  
13 successor must be included on this form. When a Statement Noting Death is filed with the  
14 Court, it must also be served on all parties listed on the form and filed with the Court. After a  
15 Statement Noting Death is filed and served, any party to the case may move to substitute the  
16 proper successor-in-interest to the deceased Defendant. Pursuant to the Order Relating to  
17 Completion of Service and other orders of the Court, if no suggestion of death is filed, even if a  
18 successor-in-interest is not substituted, the successor will nonetheless be bound by the final  
19 decision of the Court.  
20  
21  
22  
23  
24  
25  
26

I affirm that this request is being sent to you on behalf of the proposed Plaintiff-  
Intervenor, Mineral County, Nevada, on this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Simeon Herskovits  
Advocates for Community and Environment  
P.O. Box 1075  
El Prado, NM 87529  
*Attorney for Mineral County*



**DUTY TO AVOID UNNECESSARY COSTS OF  
SERVICE OF SUMMONS AND OTHER DOCUMENTS**

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the documents as referenced in the notice with which you have been provided. A party located in the United States who, after being notified of this matter and asked by the proposed Plaintiff-Intervenor, Mineral County, Nevada, to waive service of the documents, and fails to do so, will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the Notice of Motion and Motion to Intervene, Proposed Petition to Intervene, Amended Complaint-in-Intervention, or Motion for Preliminary Injunction are unfounded, or that the matter has been brought in an improper place or in a court that lacks jurisdiction over the subject matter thereof or over your person or property. A party who waives service of the documents retains all defenses and objections (except any relating to the service of these documents), and may later object to the jurisdiction of the Court or the place where the matter has been brought.

A party who waives service must enter an appearance pursuant to paragraph 5(d) of the Order Relating to Completion of Service if the party wishes to participate in this case, and if the party fails to do so the party shall nevertheless be deemed to have notice of subsequent orders of the Court and filings of the parties with respect to the Notice of Motion and Motion for Intervention, the Proposed Petition to Intervene, the Amended Complaint-in-Intervention, or the Motion for Preliminary Injunction.

**Mineral County Report Concerning Status and Completion of Service**

**Exhibit C-2 Waiver of Personal Service of Notice in Lieu of Summons**

**Mineral County Report Concerning Status and Completion of Service**

**Exhibit C-2 Waiver of Personal Service of Notice in Lieu of Summons**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

UNITED STATES OF AMERICA, )

Plaintiff, )

WALKER RIVER PAIUTE TRIBE, )

Plaintiff-Intervenor, )

vs. )

WALKER RIVER IRRIGATION DISTRICT, )

a corporation, et al., )

Defendants. )

MINERAL COUNTY, )

Proposed-Plaintiff-Intervenor, )

VS. )

WALKER RIVER IRRIGATION DISTRICT, )

a corporation, et al., )

Proposed Defendants. )

TO: Simeon Herskovits, attorney for Proposed Plaintiff-Intervenor Mineral County, Nevada:

I acknowledge receipt of your request that I waive personal service of the documents involving the Motion for Intervention of Mineral County, Nevada, in the action of United States

of America, Plaintiff v. Walker River Irrigation District et al., Defendants, which is Case No. C-125, Subfile No. C-125-C, docket number 3:73-cv-00128-ECR-WGC, in the United States

District Court for the District of Nevada. I also have received two copies of this waiver, a copy of the Notice of Motion and Motion for Intervention of Mineral County, the Proposed Petition to

Intervene, the Amended Complaint in Intervention and Amended Points and Authorities in

Support of the Amended Complaint in Intervention, and the Motion for Preliminary Injunction of Mineral County Report Concerning Status and Completion of Service  
Exhibit C-2 Waiver of Personal Service of Notice in Lieu of Summons

Page 1 of 2

1 Mineral County, and the Order Relating to Completion of Service, which includes as attachments  
2 a Notice of Appearance and Intent to Participate form, a Disclaimer of Interest in Water Rights  
3 and Notice of Related Information and Documentation Supporting Disclaimer form, a Joint  
4 Motion for Substitution of Parties Following Transfer of Interest form, and a Statement Noting  
5 Death form. I also have received a self addressed stamped envelope by which I can return this  
6 signed waiver to you without cost to me.  
7

8 I, or the entity I represent, agree to save the expense of personal service of a notice in lieu  
9 of summons and the above-described documents.

10 I understand that I, or the entity on whose behalf I am acting, will retain all defenses or  
11 objections to this matter or to the jurisdiction or venue of the Court except for objections based  
12 on a defect, if any, in the manner in which these documents have been provided to me.

13 I understand that if I, or the entity on whose behalf I am acting, do not file a Notice of  
14 Appearance and Intent to Participate within 30 days, and if the Court enters further orders with  
15 respect to answers or other responses to the Notice of Motion and Motion for Intervention,  
16 Proposed Petition to Intervene, Amended Complaint in Intervention, or the Motion for  
17 Preliminary Injunction, that I, or the entity on whose behalf I am acting, shall nevertheless be  
18 deemed to have notice of those subsequent orders of the Court.  
19

20 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.  
21

22 \_\_\_\_\_  
23 (Signature)

24 \_\_\_\_\_  
25 (Printed name and title, if any)

26 \_\_\_\_\_  
27 (Company or entity, if any)

**Mineral County Report Concerning Status and Completion of Service**

**Exhibit C-3 Notice in Lieu of Summons**

**Mineral County Report Concerning Status and Completion of Service**

**Exhibit C-3 Notice in Lieu of Summons**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

UNITED STATES OF AMERICA, )  
)  
Plaintiff, ) IN EQUITY NO. C-125-ECR-WGC  
) Subproceeding: C-125-C  
WALKER RIVER PAIUTE TRIBE, )  
) 3:73-CV-00128-ECR-WGC  
Plaintiff-Intervenor, )  
vs. )  
WALKER RIVER IRRIGATION DISTRICT, ) **NOTICE IN LIEU OF SUMMONS**  
a corporation, et al., )  
Defendants. )  
MINERAL COUNTY, )  
Proposed-Plaintiff-Intervenor, )  
vs. )  
WALKER RIVER IRRIGATION DISTRICT, )  
a corporation, et al., )  
Proposed Defendants. )

TO: \_\_\_\_\_: (As \_\_\_\_\_ of  
\_\_\_\_\_).

To the above named Defendant:

You have been named as a Defendant in a civil action. A Notice of Motion and Motion for Intervention, Proposed Petition to Intervene, Amended Complaint in Intervention, and a Motion for Preliminary Injunction by Mineral County, Nevada, claiming a right to a minimum level of water for Walker Lake, which would affect the water rights under the Walker River Decree which you (or the entity on whose behalf you are addressed) possess, have been filed in

Mineral County Report Concerning Status and Completion of Service  
Exhibit C-3 Notice in Lieu of Summons  
Page 1 of 5

1 the United States District Court for the District of Nevada, Reno, Nevada, Case No. C-125. This  
2 matter has been assigned Subfile No. C-125-C, docket number 3:73-cv-00128-ECR-WGC.

3 The time for responding to the Notice of Motion and Motion for Intervention will be  
4 established by further order of the Court. You are not required to respond to the Motion for  
5 Intervention until the Court establishes the time for responding to that motion. You are not  
6 required to answer or otherwise respond to the Proposed Petition to Intervene or Amended  
7 Complaint in Intervention and Amended Memorandum of Points and Authorities until the Court  
8 enters its decision on Mineral County's Motion to Intervene and then only upon a schedule to be  
9 established by further order of the Court. Similarly, you are not required to respond to Mineral  
10 County's Motion for Preliminary Injunction and Points and Authorities in support thereof until  
11 the Court enters its decision on Mineral County's Motion to Intervene and then only upon a  
12 schedule to be established by further order of the Court.  
13

14  
15 You **are required**, within thirty (30) days after service of this Notice in Lieu of  
16 Summons upon you, to file with the Court and serve by mail on counsel for Mineral County, the  
17 Walker River Irrigation District, United States, Walker River Paiute Tribe, State of Nevada,  
18 State of California, and United States Board of Water Commissioners the attached Notice of  
19 Appearance and Intent to Participate. If you fail to do so, you shall nevertheless be deemed to  
20 have notice of subsequent orders of the Court and subsequent pleadings filed and served in this  
21 matter.  
22

23 The materials in this package include ten (10) documents that you should review. These  
24 documents are listed in Attachment A to this Notice in Lieu of Summons and are explained  
25 below. Please note that two of these documents address the sale or other conveyance of your  
26

27 Mineral County Report Concerning Status and Completion of Service  
28 Exhibit C-3 Notice in Lieu of Summons  
Page 2 of 5

1 water rights. Please read these materials carefully, as they are important to your legal rights and  
2 legal obligations.

3 This package includes an Order Relating to Completion of Service that requires you to  
4 provide certain information to the Court and Mineral County.

5 **The Order Relating to Completion of Service requires you to notify the Court and**  
6 **Mineral County within thirty (30) days of being served if you contend that you have been**  
7 **included in this litigation in error because at the time you were served, you claimed no**  
8 **water right under the Walker River Decree.** If you contend that you have been included in  
9 this litigation in error, the Order Relating to Completion of Service also requires you to provide  
10 certain information and documents related to the transfer of water rights that would be part of  
11 this litigation. If you disclaim any water right in this litigation, you must comply with the Order  
12 Relating to Completion of Service and you may use the form entitled DISCLAIMER OF  
13 INTEREST IN WATER RIGHTS AND NOTICE OF RELATED INFORMATION AND  
14 DOCUMENTATION SUPPORTING DISCLAIMER, which is attached to the Order Relating to  
15 Completion of Service and included herein. You should review this Order carefully and retain it  
16 and all forms attached to it for your files.

17 The Order Relating to Completion of Service also provides that if, during the course of  
18 this litigation, you sell or otherwise convey ownership of all or a portion of any water right under  
19 the Walker River Decree, you may use the JOINT MOTION FOR SUBSTITUTION OF  
20 PARTIES FOLLOWING TRANSFER OF INTEREST FORM, which is attached to the Order  
21 Relating to Completion of Service and included herein, to substitute your successor(s)-in-  
22 interest. You should retain this Order and the attached form for use whenever appropriate during  
23 the course of this litigation. You may also wish to make additional copies of the form attached  
24 Mineral County Report Concerning Status and Completion of Service  
25 Exhibit C-3 Notice in Lieu of Summons  
26 Page 3 of 5



1 to the Order for use if you sell or otherwise convey ownership of applicable water rights on more  
2 than one occasion during the course of this litigation. Pursuant to the Order Relating to  
3 Completion of Service and other orders of the Court, even if a successor-in-interest is not  
4 substituted, the successor will nonetheless be bound by the final decision of the Court.

5 The STATEMENT NOTING DEATH form, which is attached to the Order Relating to  
6 Completion of Service and included herein, is for use by heirs or successors-in-interest should  
7 the named Defendant die during the course of litigation. The contact information for the heir or  
8 successor must be included on this form. When a Statement Noting Death is filed with the  
9 Court, it must also be served on all parties listed on the form and filed with the Court. After a  
10 Statement Noting Death is filed and served, any party to the case may move to substitute the  
11 proper successor-in-interest to the deceased Defendant. Pursuant to the Order Relating to  
12 Completion of Service and other orders of the Court, if no Statement Noting Death is filed, even  
13 if a successor-in-interest is not substituted, the successor will nonetheless be bound by the final  
14 decision of the Court.

15 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

16  
17  
18  
19  
20 \_\_\_\_\_  
Clerk of the Court

21  
22 (Seal)  
23  
24  
25  
26

**NOTICE IN LIEU OF SUMMONS  
ATTACHMENT A**

Enclosed are the following ten (10) documents:

1. **Order Relating to Completion of Service;**
2. **Notice of Appearance and Intent to Participate form:** If you choose to sign this document, you **must** file the original with the District Court and you **must** send a copy of the document to the parties listed on the Notice of Appearance and Intent to Participate Certificate of Service;
3. **Disclaimer of Interest in Water Rights and Notice of Related Information and Documentation Supporting Disclaimer form;**
4. **Joint Motion for Substitution of Parties Following Transfer of Interest and Request for Hearing form;**
5. **Statement Noting Death form;**
6. **Mineral County's Notice of Motion and Motion for Intervention (October 25, 1994);**
7. **Mineral County's Proposed Petition to Intervene, Memorandum of Points and Authorities, and Supporting Affidavits of Kelvin F. Buchanan, Herman F. Staat, Marlene Bunch, and Louis Thompson (October 25, 1994);**
8. **Mineral County's Amended Complaint in Intervention (March 10, 1995);**
9. **Mineral County's Amended Memorandum of Points and Authorities in Support of Mineral County's Amended Complaint in Intervention (March 10, 1995); and**
10. **Mineral County's Motion for Preliminary Injunction and Memorandum of Points and Authorities and supporting affidavits (March 10, 1995).**

**Mineral County Report Concerning Status and Completion of Service**

**Exhibit C-4 Notice of Appearance and Intent to Participate Form**

**Mineral County Report Concerning Status and Completion of Service**

**Exhibit C-4 Notice of Appearance and Intent to Participate Form**

1                                   **UNITED STATES DISTRICT COURT**  
2                                   **FOR THE DISTRICT OF NEVADA**

3   UNITED STATES OF AMERICA,                   )  
4                                   Plaintiff,                                   )  
5   WALKER RIVER PAIUTE TRIBE,                )  
6                                   Plaintiff-Intervenor,                    )  
7                                   vs.    )  
8   WALKER RIVER IRRIGATION DISTRICT,       )  
9   a corporation, et al.,                        )  
10                                  Defendants.                                )

11   MINERAL COUNTY,                            )  
12                                  Proposed-Plaintiff-Intervenor,            )  
13                                  vs.    )  
14   WALKER RIVER IRRIGATION DISTRICT        )  
15   a corporation, et al.                         )  
16                                  Proposed Defendants.                    )

IN EQUITY NO. 0125-ECR-WGC  
Subproceeding C-125-C

3:73-cv-00128-ECR-WGC

**NOTICE OF APPEARANCE AND  
INTENT TO PARTICIPATE**

17 TO: Counsel of record for Mineral County, Nevada, the Walker River Irrigation District, United  
18 States, Walker River Paiute Tribe, State of Nevada, State of California, and the United States  
Board of Water Commissioners.

19       You are hereby notified that \_\_\_\_\_ enters an appearance  
20 of record in the above-captioned matter. The mailing address of \_\_\_\_\_, or its  
21 legal counsel, is as follows and service of all orders, pleadings and other documents filed in this  
22 matter shall be complete upon mailing to this address.

23 (provide mailing address)

**CERTIFICATE OF SERVICE**

I hereby certify that I have deposited in United States mail, postage prepaid, a true and correct copy of this Notice of Appearance and Intent to Participate in an envelope addressed to:

Simeon M. Herskovits  
Advocates for Community and Environment  
P.O. Box 1075  
El Prado, New Mexico 87529  
*Attorney for Mineral County*

Marta Adams  
Deputy Attorney General  
State of Nevada  
100 North Carson Street  
Carson City, NV 89701  
*Attorney for State of Nevada*

Gordon H. DePaoli  
Dale E. Ferguson  
Woodburn and Wedge  
P.O. Box 2311  
Reno, NV 89505  
*Attorneys for Walker River Irrigation District*

Wes Williams  
Law Offices of Wes Williams Jr.  
P.O. Box 100  
Schurz, NV 89427  
*Attorney for Walker River Paiute Tribe*

Susan L. Schneider  
U.S. Department of Justice  
Environment and Natural Resources Division  
999 18th Street  
South Terrace, Suite 370  
Denver, CO 80202  
*Attorney for United States*

Michael Neville  
455 Golden Gate Avenue, #11000  
PO Box 944255  
San Francisco, CA 94102  
*Attorney for State of California*

Karen A Peterson  
Allison MacKenzie Russell Pavlakis  
Wright & Fagan, Ltd.  
402 North Division St.  
P.O. Box 646  
Carson City, NV 89703  
*Attorney for U.S. Board of Water Commissioners*

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(print or type name)

\_\_\_\_\_  
(print or type name of entity if applicable)

**Mineral County Report Concerning Status and Completion of Service**

**Exhibit C-5 Disclaimer of Interest in Water Rights and Notice of Related Information and Documentation Supporting Disclaimer Form**

**Mineral County Report Concerning Status and Completion of Service**

**Exhibit C-5 Disclaimer of Interest in Water Rights and Notice of Related Information and Documentation Supporting Disclaimer**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

\*\*\*

|                                   |   |                                   |
|-----------------------------------|---|-----------------------------------|
| UNITED STATES OF AMERICA,         | ) |                                   |
|                                   | ) |                                   |
| Plaintiff,                        | ) |                                   |
|                                   | ) | IN EQUITY NO. C-125-ECR-WGC       |
| WALKER RIVER PAIUTE TRIBE,        | ) | Subproceeding C-125-C             |
|                                   | ) |                                   |
| Plaintiff-Intervenor,             | ) | 3:73-cv-00128-ECR-WGC             |
|                                   | ) |                                   |
| vs.                               | ) |                                   |
|                                   | ) |                                   |
| WALKER RIVER IRRIGATION DISTRICT, | ) |                                   |
| a corporation, et al.,            | ) | <b>DISCLAIMER OF INTEREST IN</b>  |
|                                   | ) | <b>WATER RIGHTS AND NOTICE OF</b> |
| Defendants.                       | ) | <b>RELATED INFORMATION AND</b>    |
|                                   | ) | <b>DOCUMENTATION</b>              |
| MINERAL COUNTY,                   | ) | <b>SUPPORTING DISCLAIMER</b>      |
|                                   | ) |                                   |
| Proposed-Plaintiff-Intervenor,    | ) |                                   |
|                                   | ) |                                   |
| vs.                               | ) |                                   |
|                                   | ) |                                   |
| WALKER RIVER IRRIGATION DISTRICT, | ) |                                   |
| a corporation, et al.,            | ) |                                   |
|                                   | ) |                                   |
| Proposed Defendants.              | ) |                                   |
|                                   | ) |                                   |

The undersigned counter-defendant in the above action hereby notifies the Court and Mineral County that the undersigned (or the entity on whose behalf the undersigned is acting) has no interest in any water right subject to the Walker River Decree, and therefore, **disclaims all interest in this action.**

In addition, because the undersigned sold or otherwise conveyed ownership of all of the water rights that the undersigned (or the entity on whose behalf the undersigned is acting) once owned before the undersigned was served with a Waiver of Personal Service of Notice in Lieu of Summons or by a Notice in Lieu of Summons the undersigned provides the following additional information:

**Mineral County Report Concerning Status and Completion of Service**  
**Exhibit C-5 Disclaimer of Interest in Water Rights and Notice of Related Information and Documentation**  
**Supporting Disclaimer Form**  
Page 1 of 3

1. The name and address of the defendant or defendants who sold or otherwise conveyed ownership:

\_\_\_\_\_  
Name(s)

\_\_\_\_\_  
Street or P.O. Box

\_\_\_\_\_  
Town or City State Zip Code

2. The name and address of each person or entity who acquired ownership

\_\_\_\_\_  
Name(s)

\_\_\_\_\_  
Street or P.O. Box

\_\_\_\_\_  
Town or City State Zip Code

3. Attached to or included with this notice is a copy of the (check appropriate box(es)):

- ☐ Deed  
☐ Court Order  
☐ Other Document

4. The undersigned acknowledges that any person or entity who files a Disclaimer of Interest in this matter is ultimately responsible for the accuracy of this filing.

\_\_\_\_\_  
\*This notice shall be sent to the following two persons:

Chief Deputy Clerk  
United States District Court for the  
District of Nevada  
400 South Virginia Street, Suite 301  
Reno, Nevada 89501

AND

Simeon Herskovits  
Advocates for Community and Environment  
P.O. Box 1075  
El Prado, NM 87529



Consequently, the undersigned acknowledges that any person or entity who files such a notice, but, in fact, has water rights subject to this litigation, shall nevertheless be bound by the results of this litigation.

Executed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
[signature of defendant]

\_\_\_\_\_  
[name of defendant]

\_\_\_\_\_  
[signature, if applicable, of person  
acting on behalf of defendant]

\_\_\_\_\_  
[name, if applicable, of person acting  
on behalf of defendant]

\_\_\_\_\_  
[address]

\_\_\_\_\_  
[telephone number]

**Mineral County Report Concerning Status and Completion of Service**

**Exhibit C-6 Joint Motion for Substitution of Parties Following Transfer of Interest and  
Request for Hearing Form**

**Mineral County Report Concerning Status and Completion of Service**

**Exhibit C-6 Joint Motion for Substitution of Parties Following Transfer of Interest and  
Request for Hearing Form**

1 UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA, )  
 4 )  
 Plaintiff, )  
 5 ) IN EQUITY NO. C-125-ECR-WGC  
 WALKER RIVER PAIUTE TRIBE, ) Subproceeding C-125-C  
 6 )  
 Plaintiff-Intervenor, ) 3:73-cv-00128-ECR-WGC  
 7 )  
 vs. )  
 8 )  
 WALKER RIVER IRRIGATION DISTRICT, )  
 a corporation, et al., ) **JOINT MOTION FOR**  
 9 ) **SUBSTITUTION OF PARTIES**  
 Defendants. ) **FOLLOWING TRANSFER OF**  
 10 ) **INTEREST AND REQUEST FOR**  
 11 ) **HEARING**  
 MINERAL COUNTY, )  
 12 )  
 Proposed-Plaintiff-Intervenor )  
 13 )  
 vs. )  
 14 )  
 WALKER RIVER IRRIGATION DISTRICT, )  
 a corporation, et al., )  
 15 )  
 Proposed Defendants. )  
 16 )  
 17 )

18 This motion is filed in Subproceeding C-125-C, docket number 3:73-cv-00128-ECR-  
 19 WGC, which involves claims for water in the Walker River by Mineral County. This motion is  
 20 filed pursuant to Fed. R. Civ. P. 25(c) and this Court's Amended Order Concerning Service  
 21 Issues Pertaining to Defendants Who Have Been Served (Doc. No. 542) and is filed jointly by  
 22 \_\_\_\_\_, who is a current Defendant in this  
 23 action based on the ownership of one or more water rights claims under the Walker River Decree  
 24 ("Current Defendant") and has conveyed or otherwise transferred one or more of these water  
 25 rights claims to \_\_\_\_\_ ("Proposed Defendant").  
 26  
 27  
 28

1 By this motion, the Current Defendant and Proposed Defendant ask the Court to  
2 substitute the Proposed Defendant into this action in place of the Current Defendant regarding  
3 the specific water right(s) identified herein. The parties to this motion request a hearing on this  
4 motion if any objections are filed to this motion. If there are no objections, the parties to this  
5 motion consent to the Court entering an Order of Substitution without a hearing.

6 **I. Identification of Current Defendant:**

7 The undersigned Current Defendant in the above action hereby notifies the Court and  
8 Mineral County that the undersigned (or the entity on whose behalf I am acting) has sold or  
9 otherwise conveyed ownership of all or a portion of a water right or rights under the Walker  
10 River Decree to the Proposed Defendant and provides the following information:

11 A. The name and address of the Current Defendant who sold or otherwise conveyed  
12 ownership:

13 Name(s):  
14 Street or P.O. Box:  
15 Town or City:  
16 State:  
17 Zip Code:  
18 Telephone Number:  
19 E-mail Address:

20 B. Attorney Representation:

- 21 ☐ Check here if the Current Defendant is not represented by counsel in this  
22 subproceeding.  
23 ☐ Check here if the Current Defendant is represented by counsel in this  
24 subproceeding.

25 If the Current Defendant is represented by counsel in this subproceeding, that  
26 attorney is identified below, along with his or her mailing address, telephone number, facsimile  
27 number, and e-mail address:

28 Attorney:  
Address:  
Telephone Number:  
Fax Number:  
E-mail Address:

**II. Identification of Proposed Defendant:**

The undersigned Proposed Defendant in the above action hereby notifies the Court and Mineral County that the undersigned (or the entity on whose behalf I am acting) has acquired ownership of all or a portion of a water right or rights under the Walker River Decree from the Current Defendant and provides the following information:

A. The name and address of the Proposed Defendant who acquired the water right or rights at issue in this motion:

Name(s):

Street or P.O. Box:

Town or City:

State:

Zip Code:

Telephone Number:

E-mail Address:

B. Attorney Representation:

☐ Check here if the Proposed Defendant is not represented by counsel in this subproceeding.

☐ Check here if the Proposed Defendant is represented by counsel in this subproceeding.

If the Proposed Defendant is represented by counsel in this proceeding, that attorney is identified below, along with his or her mailing address, telephone number, facsimile number, and e-mail address:

Attorney:

Address:

Telephone Number:

Fax Number:

E-mail Address:

**III. Identification of the Water Right(s) Addressed in this Motion:**

A. This motion addresses the following water right(s) that the Current Defendant has transferred or otherwise conveyed to the Proposed Defendant:

B. Attached to and included with this motion are true and correct copies of all documents by which the change in ownership addressed in this motion was accomplished (check all appropriate boxes):

- ☐ Deed(s)
- ☐ Court Order(s)
- ☐ Other Document(s)

**IV. Request for Substitution:**

A. By this filing, the Current Defendant requests that the Proposed Defendant be substituted into this action as the Counter-Defendant in regard to the water right(s) identified in Section III.A.

B. By this filing, the Proposed Defendant agrees to be substituted into this action as the Counter-Defendant in regard to the water right(s) identified in Section III.A.

C. The undersigned Current Defendant and Proposed Defendant acknowledge that any person or entity who files this type of motion for substitution in this matter is ultimately responsible for the accuracy of this filing. Consequently, the undersigned Current Defendant and Proposed Defendant acknowledge that any defendant who files such a motion, but, in fact, retains the water rights addressed in this motion, shall nevertheless be bound by the results of this litigation.

D. Following the conveyance or transfer identified above, does the Current Defendant retain any water right or portion of a water right under the Walker River Decree, including any rights not identified in Section III?

- ☐ No. Subsequent to the conveyance/transfer identified in this motion, I/we/entity do not own any other water rights under the Walker River Decree. As a result, I/we/entity submit that the Court may dismiss the Current Defendant from this subproceeding because I/we/entity no longer own any water rights that are subject to this subproceeding.

- 1                   □     Yes. Subsequent to the conveyance/transfer identified in this  
2                             motion, I/we/entity own other water rights under the Walker River  
3                             Decree. As a result, the Current Defendant remains a Counter-  
4                             Defendant in this subproceeding based on the ownership of other  
5                             water rights that are subject to this subproceeding.

6 **V.     Waiver of Service pursuant to Fed. R. Civ. P. 4:**

7         This Section applies to any Proposed Defendant that is not already a Counter-Defendant  
8         in this case based on its ownership of other water rights. By its signature to this motion, the  
9         Proposed Defendant:

- 10         A.     Acknowledges that I/we/entity (or the entity on whose behalf I am acting) have  
11                 been made aware of the fact that the water right(s) described in Section III above  
12                 are subject to this subproceeding, which is entitled *United States v. Walker River*  
13                 *Irrigation District*, and which is docket number 3:73-cv-00128-ECR-WGC, In  
14                 Equity C-125, Subfile No. C-125-C, in the United States District Court for the  
15                 District of Nevada, and that I am bound by all Orders in this subproceeding;  
16         B.     Acknowledges that I/we/entity (or the entity on whose behalf I am acting) need  
17                 not be served separately or personally, pursuant to Fed. R. Civ. P. 4, with a Notice  
18                 in Lieu of Summons, the instant motion or any other previous filing in this  
19                 subproceeding;  
20         C.     Acknowledges that I/we/entity (or the entity on whose behalf I am acting) may  
21                 file a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE in the  
22                 Court at the address indicated in Section VII, below; and  
23         D.     Acknowledges that I/we/entity (or the entity on whose behalf I am acting) will  
24                 retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the  
25                 Court, except for objections based on a defect in service pursuant to Fed. R. Civ.  
26                 P. 25(c) regarding this motion.

27 **VI.    Certifications and Acknowledgements:**

28         By this filing, the Current Defendant and Proposed Defendant acknowledge that:

- 29         A.     Federal Rule of Civil Procedure 25(c) governs the substitution of successors-in-  
30                 interest that are the result of a transfer, other than those resulting from the death of  
31                 a defendant, and provides in relevant part that “[i]f an interest is transferred, the

1 action may be continued by or against the original party unless the court, on  
2 motion, orders the transferee to be substituted in the action or joined with the  
3 original party....”;

- 4 B. Rule 25(c) does not require that anything be done after an interest is transferred,  
5 which means that the action may be continued by or against the original party,  
6 and the judgment will be binding on his successor-in-interest even though the  
7 successor-in-interest is not named;
- 8 C. Absent the filing of this or a similar motion, this action would continue in the  
9 name of the Current Defendant, but would nevertheless bind the Proposed  
10 Defendant and any future successors-in-interest to the results of the litigation;
- 11 D. Other parties to the case, acting pursuant to the Federal Rules of Civil Procedure,  
12 may wish to file their position(s) regarding the merits of this motion, and may  
13 support, oppose or take no position on the merits of this motion;
- 14 E. Following the filing of this motion, the action will continue in the name of the  
15 Current Defendant for the water right(s) identified herein until such time as the  
16 Court approves the substitution requested herein. While substitution does not  
17 automatically dismiss a Current Defendant from this subproceeding, the Court  
18 may dismiss the Current Defendant if that Defendant no longer has any water  
19 rights subject to this proceeding.

20 **VII. Filing and Service of this Motion:**

21 The Current Defendant and Proposed Defendant have filed this motion in the above  
22 action with the:

23 Chief Deputy Clerk  
24 United States District Court for the  
25 District of Nevada  
26 400 South Virginia Street, Suite 301  
27 Reno, Nevada 89501

28 and served a copy of this motion on:

Simeon Herskovits  
P.O. Box 1075  
El Prado, New Mexico 87529

PLEASE NOTE: Attorneys are reminded that they are required to comply with the electronic  
filing procedures of the U.S. District Court for District of Nevada.



“Attorneys who are admitted to the bar of this court, admitted to participate in a case pro hac vice, or who are authorized to represent the United States and its agencies, shall register as Filing Users of the System. Registration shall be in the form prescribed by the Clerk of the Court and by these Electronic Filing Procedures.” U.S. Dist. Ct., D. Nev., Electronic Filing Procedures (rev. Aug. 24, 2006) at I.C.

**Signature of Current Defendant:**

\_\_\_\_\_

(Signature)

(Printed or typed Name)

Entity, if any, on whose behalf you are appearing: \_\_\_\_\_

The forgoing instrument was signed before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ by

\_\_\_\_\_.

State of \_\_\_\_\_

County of \_\_\_\_\_

\_\_\_\_\_

Signature of Notary

My Commission Expires:

**Signature of Proposed Defendant:**

\_\_\_\_\_

(Signature)

(Printed or typed Name)

Entity, if any, on whose behalf you are appearing: \_\_\_\_\_

The forgoing instrument was signed before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ by

\_\_\_\_\_.

State of \_\_\_\_\_

County of \_\_\_\_\_

\_\_\_\_\_

Signature of Notary

My Commission Expires

**Mineral County Report Concerning Status and Completion of Service  
Exhibit C-7 Statement Noting Death Form**

**Mineral County Report Concerning Status and Completion of Service  
Exhibit C-7 Statement Noting Death Form**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
)  
WALKER RIVER PAIUTE TRIBE, )  
)  
Plaintiff-Intervenor, )  
vs. )  
)  
WALKER RIVER IRRIGATION DISTRICT, )  
a corporation, et al., )  
)  
Defendants. )

IN EQUITY NO. C-125-ECR - WGC  
Subproceeding: C-125-C

3:73-CV-00128-ECR-WGC

**STATEMENT NOTING DEATH**

MINERAL COUNTY, )  
)  
Proposed-Plaintiff-Intervenor, )  
vs. )  
)  
WALKER RIVER IRRIGATION DISTRICT )  
a corporation, et al. )  
)  
Proposed Defendants. )

Pursuant to Fed. R. Civ. P. 25(a), \_\_\_\_\_, who is a **representative of**  
or **successor-in-interest to** (circle one) the deceased party, notes the death during the pendency  
of this action of \_\_\_\_\_, who is named as a Defendant in this action based  
on the ownership of one or more water rights claimed under the Walker River Decree. The  
successor(s)-in-interest to the deceased Defendant's claimed water right(s) are as follows:

Name(s):  
Street or P.O. Box:  
Town or City:  
State:  
Zip Code:  
Telephone Number:  
E-mail Address:

Mineral County Report Concerning Status and Completion of Service  
Exhibit C-7 Statement Noting Death Form  
Page 1 of 3

**Filing and Service of this Motion:**

The Undersigned has filed this motion in the above action with the:

Chief Deputy Clerk  
United States District Court for the  
District of Nevada  
400 South Virginia Street, Suite 301  
Reno, Nevada 89501

and has served a copy of this motion on the parties listed in the attached certificate of service.

PLEASE NOTE: Attorneys are reminded that they are required to comply with the electronic filing procedures of the U.S. District Court for District of Nevada. "Attorneys who are admitted to the bar of this court, admitted to participate in a case pro hac vice, or who are authorized to represent the United States and its agencies, shall register as Filing Users of the System. Registration shall be in the form prescribed by the Clerk of the Court and by these Electronic Filing Procedures." U.S. Dist. Ct., D. Nev., Electronic Filing Procedures (rev. Aug. 24, 2006) at I.C.

**Signature of Representative or Successor-in-Interest**

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed or typed Name)

Entity, if any, on whose behalf you are appearing: \_\_\_\_\_

The forgoing instrument was signed before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ by

\_\_\_\_\_  
(Printed or typed name)

State of \_\_\_\_\_

County of \_\_\_\_\_

\_\_\_\_\_  
Signature of Notary

My Commission Expires:

**CERTIFICATE OF SERVICE**

I hereby certify that I have deposited in United States mail, postage prepaid, a true and correct copy of this Statement Noting Death in an envelope addressed to:

Simeon M. Herskovits  
Advocates for Community and Environment  
P.O. Box 1075  
El Prado, New Mexico 87529  
*Attorney for Mineral County*

Marta Adams  
Deputy Attorney General  
State of Nevada  
100 North Carson Street  
Carson City, NV 89701  
*Attorney for State of Nevada*

Gordon H. DePaoli  
Dale E. Ferguson  
Woodburn and Wedge  
P.O. Box 2311  
Reno, NV 89505  
*Attorneys for Walker River Irrigation District*

Wes Williams  
Law Offices of Wes Williams Jr.  
P.O. Box 100  
Schurz, NV 89427  
*Attorney for Walker River Paiute Tribe*

Susan L. Schneider  
U.S. Department of Justice  
Environment and Natural Resources Division  
999 18th Street  
South Terrace, Suite 370  
Denver, CO 80202  
*Attorney for United States*

Michael Neville  
455 Golden Gate Avenue, #11000  
PO Box 944255  
San Francisco, CA 94102  
*Attorney for State of California*

Karen A Peterson  
Allison MacKenzie Russell Pavlakis  
Wright & Fagan, Ltd.  
402 North Division St.  
P.O. Box 646  
Carson City, NV 89703  
*Attorney for U.S. Board of Water Commissioners*

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(print or type name)

\_\_\_\_\_  
(print or type name of entity if applicable)